## REMARKS

Claims 1-13 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-4, drawn to a therapeutic agent or prophylactic agent for a disease requiring promotion of osteogenesis or enhancement of bone morphogenetic protein production, characterized in that the therapeutic agent or prophylactic agent comprises as an effective ingredient a processed product derived from a plant selected from the following (a) to (c): (a) a processed product derived from a plant belonging to Umbelliferae; (b) a processed product derived from a plant belonging to Liliaceae; and (c) a processed product derived from a plant belonging to Compositae;

Group II, claims 5 and 6, drawn to a food, beverage or feed for promotion of osteogenesis or enhancement of bone morphogenetic protein production, characterized in that the food, beverage or feed comprises a processed product derived from a plant selected from the following (a) to (c): (a) a processed product derived from a plant belonging to Umbelliferae; (b) a processed product derived from a plant belonging to Liliaceae; and (c) a processed product derived from a plant belonging to Compositae;

Group III, claims 7 and 8, drawn to a therapeutic agent or prophylactic agent for a disease requiring promotion of osteogenesis or enhancement of bone morphogenetic protein production, characterized in that the therapeutic agent or prophylactic agent comprises as an effective ingredient a compound represented by the following formula (A): a derivative thereof or a salt thereof;

Group IV, claim 9, drawn to a food, beverage or feed for promotion of osteogenesis or enhancement of bone morphogenetic protein production, characterized in that the food, beverage or feed comprises the compound represented by the formula (A) as defined in claim 7, a derivative thereof or a salt thereof;

Group V, claim 10, drawn to a method for measuring an enhancing action for bone morphogenetic protein production, characterized in that the method comprises the following steps: (a) culturing hybridoma obtained by using HuO9 cells or a substrain thereof, or any one of cell strains therefrom with contact of a test substance; and (b) measuring an amount of BMP in a culture medium obtained in the step (a) as an index for an enhancing action for BMP production of the test substance;

Group VI, claim 11, drawn to a method for screening a substance having an enhancing action for bone morphogenetic protein production, characterized in that the method comprises the following steps of: (a) culturing hybridoma obtained by using HuO9 cells or a substrain thereof, or any one of cell strains therefrom with contact of a test substance; and (b) measuring an amount of BMP in a culture medium obtained in the step (a) wherein the test substance is determined to have an enhancing action for BMP production when the amount of BMP is larger than that of a case where the cells are cultured without contact of the test substance or with contact of a control substance having an enhancing action for BMP production;

Group VII, claim 12, drawn to a method for preparing a substance having an enhancing action for bone morphogenetic protein production, characterized in that the method comprises the following steps of: (a) obtaining a substance having an enhancing action for bone morphogenetic protein production; and (b) measuring the enhancing action for bone morphogenetic protein production of the substance obtained in the step (a) using the measurement method as defined in claim 10; and

Group VIII, claim 13, drawn to a method for preparing a substance having an enhancing action for bone morphogenetic protein production, characterized in that the method comprises the following steps of: (a) culturing hybridoma obtained by using HuO9 cells or a substrain thereof, or any one of cell strains therefrom with contact of a test substance; and (b) measuring an amount of BMP in a culture medium obtained in the step (a), wherein the test substance is determined to have an enhancing action for BMP production when the amount of BMP is larger than that of a case where the cells are cultured without contact of the test substance or with contact of a control substance having an enhancing action for BMP production, thereby giving the test substance as a substance having an enhancing action for BMP production.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group II, Claims 5 and 6.**

Applicants respectfully traverse the Restriction Requirement. Particularly, Applicants submit that the invention is improperly divided into eight groups. Applicants contend that at least the claims of Groups III and IV should be joined because these Groups each relate to a single general inventive concept under PCT Rule 13.1 due to the fact that under PCT Rule 13.2 they each share the same corresponding special technical feature. A "special technical feature" is one that defines a contribution that the invention makes over the prior art.

In the instant case, the special technical feature shared among Groups III and IV is 'a compound represented by Formula A.' Applicants submit that this feature is sufficient to confer unity of invention to Groups III and IV in the present application. Moreover, the Examiner has put forward no prior art that removes this feature of the invention from consideration as a special technical feature. Accordingly, claims 7-8 and 9, at least, should be joined.

Moreover, Applicants submit that at least the claims of Groups V, VI, VII and VIII should be joined because these Groups share a special technical feature, *i.e.* 'culturing hybridoma

obtained by using HuO9 cells or a substrain thereof, or any one of cell strains therefrom with contact of a test substance; and measuring an amount of BMP in a culture medium obtained in the step (a).' Applicants submit that this feature is sufficient to confer unity of invention to Groups V, VI, VII and VIII. On page 40, at lines 1-4, the specification states "the amount of BMP production in the cells can be stably measured for the first time by using the cell strains of the present invention among various cells for BMP production." Thus, this feature makes a contribution over the prior art. The Examiner has put forward no prior art that removes this feature of the invention from consideration as a special technical feature. Accordingly, claims 10-13 should be joined.

However, in order to be fully responsive to the outstanding Unity of Invention Rejection, Applicants hereby elect Group II, directed to claims 5-6. This is an election with traverse as noted above.

**Election of Species**

The Examiner, also, has required Applicants to elect one species of the invention of Group II, which the Examiner describes as generic. Specifically, the Examiner directs Applicants to elect a compound, derivative or salt from claim 7 of Group II. (See Office Action, page 7). However, claim 7 is not included in Group II and no elected compounds are encompassed within the claims of Group II. Therefore, Applicants assume that they are to elect a plant family and a plant species encompassed by claims 5 and 6. Accordingly, Applicants hereby elect the plant family Umbelliferae and the plant species *Angelica keiskei* koidz. Claims 1-6 read on the elected species. It is Applicants' understanding that this election of species serves as a starting pointing for search and examination only. Moreover, upon indication of allowable subject matter for the elected species, the Examiner must expand the search to include other non-elected species with the intent to finding a generic claim ultimately allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Marc S. Weiner, Registration No 32,181 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

☐ Attached is a Petition for Extension of Time.

☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By _____

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